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STATUTORY INSTRUMENTS

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**2015 No. 2044**

The London Underground (Bank  
Station Capacity Upgrade) Order 2015

PART 3

ACQUISITION AND POSSESSION OF LAND

*Temporary possession of land*

**Temporary use of land for construction of works**

**26.**—(1) The Company may, in connection with the carrying out of the authorised works—

- (a) enter upon and take temporary possession of the land specified in columns (1) and (2) of Schedule 8 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column 3 of that Schedule;
- (b) remove any buildings, street furniture and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and temporary buildings on that land; and
- (d) temporarily occupy and use air-space for the purposes of the operation of a crane in connection with the construction of the authorised works.

(2) Not less than 14 days before entering upon and taking temporary possession of land under this article the Company must serve notice of the intended entry on the owners and occupiers of the land.

(3) The Company may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of the completion of construction of the scheduled works.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the Company must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the Company is not required to replace a building removed under this article.

(5) The Company must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(7) Without affecting article 49 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) (further provision as to compensation for injurious affection) of the 1965 Act<sup>(1)</sup> or under any other enactment in respect of loss or damage arising from the

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(1) Section 10 was amended by section 4 of, and paragraph 13(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) The powers of compulsory acquisition of land conferred by this Order do not apply in relation to the land referred to in paragraph (1) except that the Company is not precluded from—

- (a) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 23 (power to acquire subsoil only); or
- (b) acquiring new rights over any part of that land under article 24 (power to acquire new rights).

(9) Where the Company takes possession of land under this article, the Company is not required to acquire the land or any interest in it.

(10) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act<sup>(2)</sup> applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 21(1) (application of Part 1 of the Compulsory Purchase Act 1965).

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(2) Section 13 was amended by sections 62(3) and 139 of, and paragraph 27 and 28 of Schedule 13, and part 3 of Schedule 23, to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).